

REFERENCE TITLE: **military procession right-of-way**

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2249

Introduced by
Representatives Weiers JP: Burges, Clark, Gallardo, Tobin, Tom

AN ACT

AMENDING TITLE 28, CHAPTER 3, ARTICLE 9, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-777; RELATING TO TRAFFIC RIGHT-OF-WAY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 28, chapter 3, article 9, Arizona Revised Statutes,
3 is amended by adding section 28-777, to read:

4 28-777. Military procession right-of-way; military escort
5 vehicles: definition

6 A. PEDESTRIANS AND THE OPERATORS OF ALL VEHICLES, EXCEPT EMERGENCY
7 VEHICLES, SHALL YIELD THE RIGHT-OF-WAY TO EACH VEHICLE THAT IS A PART OF A
8 MILITARY PROCESSION BEING LED BY A MILITARY ESCORT VEHICLE. THE DRIVER OF
9 THE MILITARY ESCORT VEHICLE MAY DIRECT THE DRIVERS OF OTHER VEHICLES IN THE
10 PROCESSION TO PROCEED THROUGH ANY INTERSECTION OR TO MAKE TURNS OR OTHER
11 MOVEMENTS, AND THE OTHER VEHICLES MAY CONTINUE TO FOLLOW AND MAKE THE TURNS
12 OR OTHER MOVEMENTS AS ARE MADE BY OR AS DIRECTED BY THE DRIVER OF THE
13 MILITARY ESCORT VEHICLE NOTWITHSTANDING ANY TRAFFIC CONTROL DEVICE PRESCRIBED
14 BY STATUTE OR LOCAL ORDINANCE, EXCEPT THAT A DRIVER OF A VEHICLE IN THE
15 MILITARY PROCESSION SHALL NOT EXCEED THE POSTED SPEED LIMIT AND SHALL
16 EXERCISE REASONABLE AND PRUDENT CARE TO AVOID COLLIDING WITH ANY OTHER
17 VEHICLE OR PEDESTRIAN ON THE ROADWAY. EACH VEHICLE IN A MILITARY PROCESSION
18 SHALL HAVE ITS HEADLIGHTS LIGHTED.

19 B. A DRIVER OF A MILITARY ESCORT VEHICLE WHO COMPLETES THE TRAINING
20 PRESCRIBED BY SUBSECTION D OF THIS SECTION MAY DIRECT AND CONTROL THE DRIVERS
21 OF VEHICLES IN A MILITARY PROCESSION AND ANY OTHER VEHICLE IN OR APPROACHING
22 ANY INTERSECTION TO STOP, PROCEED OR MAKE THE TURNS OR OTHER MOVEMENTS AS
23 REQUIRED WITHOUT REGARD TO ANY TRAFFIC CONTROL DEVICE PRESCRIBED BY STATUTE
24 OR LOCAL ORDINANCE. MILITARY ESCORT VEHICLES MAY EXCEED THE SPEED LIMIT BY
25 FIFTEEN MILES PER HOUR WHEN OVERTAKING PROCESSIONS TO DIRECT TRAFFIC AT THE
26 NEXT INTERSECTION. A MILITARY ESCORT VEHICLE SHALL BE EQUIPPED WITH AT LEAST
27 ONE LIGHTED LAMP EXHIBITING A RED OR RED AND BLUE LIGHT OR LENS VISIBLE UNDER
28 NORMAL ATMOSPHERIC CONDITIONS FROM A DISTANCE OF FIVE HUNDRED FEET TO THE
29 FRONT OF THE VEHICLE.

30 C. WHEN ACTING AS A MILITARY ESCORT, A DRIVER OF A PROPERLY EQUIPPED
31 MILITARY ESCORT VEHICLE HAS ALL OF THE RIGHTS AND PRIVILEGES OF A DRIVER OF
32 AN AUTHORIZED EMERGENCY VEHICLE PROCEEDING TO AN EMERGENCY CALL AS PROVIDED
33 UNDER SECTION 28-624.

34 D. BEFORE A PERSON MAY BE A DRIVER OF A MILITARY ESCORT VEHICLE, THE
35 PERSON SHALL COMPLETE A TRAINING PROGRAM AS PRESCRIBED BY THE DEPARTMENT OF
36 PUBLIC SAFETY.

37 E. A PERSON:

38 1. SHALL NOT RECEIVE ANY COMPENSATION FOR PROVIDING A MILITARY
39 PROCESSION.

40 2. MAY ONLY PROVIDE A MILITARY PROCESSION IF REQUESTED BY THE UNITED
41 STATES MILITARY MEMBER OR VETERAN OR THE UNITED STATES MILITARY MEMBER'S OR
42 VETERAN'S FAMILY.

1 F. FOR THE PURPOSES OF THIS SECTION, "MILITARY PROCESSION" MEANS TWO
2 OR MORE VEHICLES ACCOMPANYING THE BODY OF A DECEASED MEMBER OF THE UNITED
3 STATES MILITARY OR DECEASED VETERAN OF THE UNITED STATES MILITARY OR A LIVE
4 MEMBER OF THE UNITED STATES MILITARY OR LIVE VETERAN OF THE UNITED STATES
5 MILITARY, INCLUDING A MILITARY ESCORT VEHICLE.

6 Sec. 2. Emergency

7 This act is an emergency measure that is necessary to preserve the
8 public peace, health or safety and is operative immediately as provided by
9 law.